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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Bahadir Erimli

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EXAMINER

JONES, PRENELL P

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

03/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/576,021	<b>Applicant(s)</b> ERIMLI ET AL.	
	<b>Examiner</b> PRENELL P. JONES	<b>Art Unit</b> 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-17 is/are allowed.
- 6) ☒ Claim(s) 1 and 18 is/are rejected.
- 7) ☒ Claim(s) 2-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.
2. Examiner indicated in previous office action that the limitation "user-selected attribute having been detected within the data frame, the prioritizing switching including switching the data frame based on the user-selected attribute having been detected within the data frame" is allowable subject matter. However, in light of the results from performing an additional search, Examiner withdraws previous objection because relevant art has been found.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 1 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weir (US Pat 5,748,627) in view Natarajan et al (US Pat 6,751, 662) and Ellington Jr. et al (US Pat 6,175,569).

Regarding claim 1, Weir discloses an integrated network switch with data packet transfer abilities, wherein the integrated network switch includes CPU, memory, clocks, signal packet transfer function, priority resolver, and a plurality of input/output ports, support different transport media traffic (col. 12, line 20-31, Fig. 6), accommodations for full and half frame switching (col. 11, line 28-33), whereby the integrated switch selects signals (prioritized data frame) to transmit/switch to output ports based on varying data rates (Fig. 13 and 14, col. 31, line 8-40, col. 33, line 13-36, **integrated network switch receiving data and transport/switching data to output ports/destinations based on data rate/priority switch**), and the user enters defined configuration data (**user-defined attributes**) in database library (col. 26, line 52-55).

However, Weir is silent on user selected/requesting attribute of frame, and user-selected attribute having been detected in data frame, and the prioritizing switching including switching the data frame based on the detected user-selected attribute.

Natarajan et al (US Pat 6,751, 662) discloses a policy/routing engine packet switching management system wherein the architecture includes various module circuits/interfaces along with various policies such as a frame relay/ATM, SLA (user-defined) policy and various other policies are implemented (col. 14, line 39 thru col. 15, line 35), wherein user provides request characteristics associated with SLA/policy (col. 29, line 10-33), and Ellington discloses a switching network wherein users request/select a particular type ATM connection (definite service requirements/attribute), wherein the user data frame includes request, and is identified as high priority (col. 3, line 47-63, col. 5, line 54-55, col. 6, line 47-58, user selecting particular characteristics, which are embodied in user data frame that is received and identified and switch according to priority value associated with user request/selection).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement a user selected/requesting attribute of frame, and user-selected attribute having been detected in data frame, and the prioritizing switching including switching the data frame based on the detected user-selected attribute as taught by the combined teachings of Natarajan and Ellington with the teachings of Weir for the purpose of further managing transfer of service requests with minimal latency and increasing intelligence of traffic management.

Regarding claim 18, as indicated above, Weir discloses an integrated network switch consisting of multiple output ports (Fig. 5, col. 11, line 65 thru col. 12, line 11), and, integrated switch selects signals (prioritized data frame) to transmit/switch to

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output ports based on varying data rates (Fig. 13 and 14, col. 31, line 8-40, col. 33, line 13-36).

***Allowable Subject Matter***

6. Claims 12-17 are allowed over prior art.

7. Claims 2-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Although the combined cited art teach an integrated switching system that includes switching packets/resources between devices and switching policies, they fail to teach/suggest with respect to claim 2, a switching module configured for identifying a presence of an output port for each data frame based on at least one of a MAC source address and MAC destination address, and notifying by the one network switch port the detected presence of the user-selected attribute to the switching module/ is absent from the art. Claims 9 and 10 depend on claim 8, therefore, claims 9 and 10 are objected to as well, with respect to claim 12, a plurality switch ports wherein each switch port includes a port filter configured for determining a presence of a user-selected attribute in a received layer 2 data frame and outputting a signal indicating the determined presence of the user-selected attribute within the data frame by one of the network switch ports having received frame.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Wing F Chan/  
Supervisory Patent Examiner, Art  
Unit 2619  
3/17/08

Prenell P. Jones  
March 5, 2008